

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL BANKOFF,
Plaintiff

v.

LT. HASS and CAPTAIN OF FCI
ALLENWOOD,
Defendants

No. 3:11cv1754

(Judge Munley)
(Magistrate Judge Carlson)

ORDER

AND NOW, to wit, this 18th day of October 2011, the report and
recommendation (Doc. 3) of Magistrate Judge Carlson is **ADOPTED IN PART** and
REJECTED IN PART as follows:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is hereby
GRANTED;
2. The recommendation that plaintiff's complaint be dismissed without
prejudice is **REJECTED AS MOOT** because plaintiff has filed an amended
complaint (Doc. 5).

The case, including plaintiff's motion to appoint counsel (Doc. 4), is **REMANDED** to
Magistrate Judge Carlson for further proceedings consistent with this opinion.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court